

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh
: Crim. No. 07-686 (DMC)
v. :
: CONTINUANCE ORDER
ELLIOT MUNFORD :
:
:

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (by David E. Malagold, Assistant U.S. Attorney), and defendant Elliot Munford (by Chester Keller, Esq.) for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of the indictment pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has requested and consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

- i. Flea negotiations regarding a possible disposition are currently in progress, and both the United States and the defendant desire additional time to meet and confer regarding a disposition, which would render trial of this matter unnecessary and

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- save judicial resources;
- ii. Defendant has consented to and requested the aforementioned continuance;
 - iii. Should plea negotiations not result in a disposition, counsel for the defendant will need additional time to review discovery materials, file motions and prepare for trial;
 - iv. Pursuant to Title 18 of the United States Code, Section 3161(h)(8)(A), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial;
 - v. Pursuant to Title 18 of the United States Code, Section 3161(h)(8)(B)(i), failure to grant this continuance would result in a miscarriage of justice;
 - vi. Pursuant to Title 18 of the United States Code, Section 3161(h)(8)(B)(iv), failure to grant this continuance would deny the counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, on this 8th day of Dec., 2008,

IT IS ORDERED that trial in this matter is continued from December 8, 2008 to January 6, 2009;

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Defense motions are due _____, 2008.

Responses are due _____, 2008.

The motions shall be heard _____, 2008.

IT IS FURTHER ORDERED that the period from December 8, 2008, to January 6, 2009, inclusive, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(8); and

Nothing in this order shall preclude a finding that additional periods of time are excludable pursuant to the Speedy Trial Act of 1974.


HON. DENNIS M. CAVANAUGH
United States District Judge

Consented to by:


CHESTER KELLER, ESQ.
Counsel for Defendant


DAVID E. MALAGOLD
Assistant United States Attorney